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| 10/520,910 | 01/10/2005 | Peter Cope | | 4948 |

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| EXAMINER |
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SKURDAL, COREY NELSON

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| ART UNIT | PAPER NUMBER |
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3782

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11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,910

Applicant(s)

COPE, PETER

Examiner

Corey N. Skurdal

Art Unit

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: figure 3 reference characters 9-13.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the attachment means affixed to the base and the illumination, electrical, and electronic parts affixed to the lid of claims 10 and 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 2-11 are objected to because of the following informalities: in line 2 of each claim the term "Claim" should be made lowercase. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation regarding the attachment means being directly or indirectly affixed to the base, and the limitation regarding the illumination parts, electronic parts, and advertising panels being directly or indirectly affixed to the lid, renders the claim indefinite because it is unclear what structural relationship applicant is attempting to claim between the various component and the base and lid. In particular, the term indirectly is sufficiently broad such that one might consider the attachment means to be indirectly attached to the lid, in that the attachment means are attached to the base, and in turn the base is attached to the lid, or alternatively the illumination means may be considered indirectly attached to the base in that the illumination means is attached to

the lid, and the lid is attached to the base. Furthermore, in claims 10 and 11, it is unclear how a hinge itself may be a quick release variety.

Claim Rejections - 35 USC § 102

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 10, and 11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Le Roux (FR 2,609,824 hereinafter Roux).

Regarding claims 1 and 2, Roux discloses a rooftop mounted advertising device 1 comprising: a luggage compartment 9 with advertising display panels 11 that have a substantially vertical profile; illumination means 15; and an access door 6 adapted to provide access to the luggage compartment.

To the degree that Applicant may argue that Roux fails to disclose a luggage compartment of the claim dimensions (600mm by 350mm by 400mm), in that Roux does not expressly state the size of the compartment, Examiner would point to the Figure 1 which shows the roof top mounted device mounted to a standard vehicle. A standard vehicle known in the art has a roof portion around 1500mm in width and around 1800mm in depth, and as such the roof top mounted device of Roux is considered of the same substantial dimensions, and further noting that the height of the device as shown in Figure 1 appears to be approximately 1/3rd of the width. Additionally,

it would have been an obvious matter of design choice to make the carrier of Roux of the claimed dimensions, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Regarding claims 10 and 11, Roux discloses the access door 6 being a lid hingedly attached to a base, and wherein the attachment means 2/3 are directly attached to the base, and where the illumination means 15, and panels 11, may be considered indirectly affixed to the lid, in that the lid is attached to the luggage compartment and base, and further wherein the locks 4 are considered quick release.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3-7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roux in view of Wiley, Jr. (US 4,087,124).

Regarding claims 3 and 4, Roux discloses the invention substantially as claimed but does not expressly disclose the panels being translucent and a thermoplastic. However, Wiley discloses a rooftop advertising device with a translucent thermoplastic panel 50 mounted within an aperture at 46 (col. 3 lines 40-65). It would have been obvious to one skilled in the art at the time of invention to make the panels of Roux from

a translucent thermoplastic in order to provide a strong and commonly used material well known to be used in the art of illuminated signs.

Regarding claims 5-7, Roux discloses the invention substantially as claimed but does not have the panels inserted into an aperture in the side of the luggage compartment. However, Wiley further teaches a well known means for mounting an advertising panel 50 on a roof mounted carrier including: a panel 50 inserted into an aperture (Figures 3, 4, and 6), the aperture being shorter in height than that of the panel; a downwardly/upwardly facing clip/channel 60 forming the apertures upper and lower edges, the clip/channel being dimensioned to snugly receive the panel 50; and wherein the channel 60 along the top of the aperture has a greater width than the channel 60 along the bottom portion of the aperture in order to achieve easy entry and retention of the panel 50 (see col. 3 lines 40-44, and col. 4 lines 16-34). As such, it would have been obvious to one skilled in the art at the time of invention to mount the advertising panel 11 in the manner taught by Wiley in order to make the panel easy to change and replace.

More specifically regarding claim 6, the shape of panel 11 of Roux is shaped such that the length decreases from bottom to top.

More specifically regarding claim 7, the access door 6 of Roux comprises a lid hingedly attached to a base at lead line 2, and wherein in modifying the panel 11 of Roux to be mounted in the manner taught by Wiley a panel would also be mounted to the access door.

8. Claims 8 and 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roux in view of Wiley and Weber (AU 56854/90). Regarding claims 8, Roux discloses the invention substantially as claimed but does not have the panels inserted into an aperture in the side of the luggage compartment, or a gas strut adapted to bias the access door in an open position. However, Wiley teaches a well known means for mounting an advertising panel 50 on a roof mounted carrier including: a panel 50 inserted into an aperture (Figures 3, 4, and 6), the aperture being shorter in height than that of the panel; a downwardly/upwardly facing clip/channel 60 forming the apertures upper and lower edges, the clip/channel being dimensioned to snugly receive the panel 50; and wherein the channel 60 along the top of the aperture has a greater width than the channel 60 along the bottom portion of the aperture in order to achieve easy entry and retention of the panel 50 (see col. 3 lines 40-44, and col. 4 lines 16-34). As such, it would have been obvious to one skilled in the art at the time of invention to mount the advertising panel 11 in the manner taught by Wiley in order to make the panel easy to change and replace. More specifically, the access door 6 of Roux comprises a lid hingedly attached to a base at lead line 2, and wherein in modifying the panel 11 of Roux to be mounted in the manner taught by Wiley, a panel would also be mounted to the access door.

Furthermore, Weber teaches a roof top carrier 21 having access doors 33, and wherein a gas strut 34 is provided between the access door and the luggage compartment in order to bias the access door in an open position. Therefore, it would have been obvious to one skilled in the art at the time of invention to provide the access

door of Roux with a gas strut such that the door may be held in the open position during loading of the luggage compartment.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey N. Skurdal whose telephone number is 571-272-9588. The examiner can normally be reached on M-Th 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CNS
11/26/07


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SUPERVISORY PATENT EXAMINER